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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2010


To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal of the Executive Director's Negative Use Determination regarding Revised Use Determination Application No. 8262, Mizuho Corporate Bank MHCB (USA); TCEQ Docket No. 2010-0252-MIS-U.

By letter dated August 4, 2010, Mr. Mark Farley on behalf of his client, Mizuho Corporate Bank MHCB (USA) ("MHCB"), requested an extension of the deadline to file his reply brief in the above matter from the original deadline of Friday, July 30, 2010 at 5:00 p.m. until Monday, August 2, 2010. MHCB requests the extension because it inadvertently failed to fax its reply brief to the Chief Clerk's office on July 30, 2010, as intended. MHCB indicates and provides evidence that it did, however, fax its reply brief to all of the interested parties, including TCEQ staff, on July 30, 2010. The reply brief was sent by Federal Express to the Chief Clerk's office on July 30, 2010 and was received on August 2, 2010.

In light of the fact that all of the parties received a copy of the reply brief by the original deadline and would therefore not appear to be prejudiced by MHCB's oversight, equities dictate granting a limited extension of the MHCB's reply brief deadline. Accordingly, MHCB's deadline for the filing a reply brief is extended to **5:00 P.M. on Monday, August 2, 2010**. If you have any questions about the briefing schedule or related matters, please contact Jim Rizk, Assistant General Counsel, at 512/239-5530.

Respectfully,


Les Trobman
General Counsel

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Mailing List
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